

## **LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST**

**DAERA/26-69** - Environmental Information Regulations 2004 (EIR)

### **Relevant Request Details:**

*Operator names and permit numbers.*

*Current and previous waste permits or licences.*

*Permitted waste types and storage limits.*

*Fire Prevention Plans held on file.*

*All inspection reports from the last 5 years.*

*Any fires, smoke incidents, or combustion events recorded.*

*Any enforcement actions, warning letters, or compliance notices.*

*Any air quality or deposition monitoring data linked to incidents.*

*Any plume or environmental risk assessments conducted.*

*Communications with NIFRS, councils, or PHA relating to incidents.*

*Any corrective actions required after incidents.*

### **Brief description of the Personal Data falling within the scope of the request**

1. Names of Enva employees.
2. Names of NIEA employees, including NIEA official's signatures.
3. Names of MUDC employees

## **LAWFULNESS**

### **Please identify the lawful bases for processing**

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful bases for processing are set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

- Consent:** This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.

- **Legitimate interests:** the processing is necessary for the Department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

## **Consideration of Legitimate Interests**

### **1. PURPOSE**

As the disclosure of personal data under FOIA or EIR is a disclosure to the world at large, doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

### **2. NECESSITY**

The right of access under FOI or EIR does not in itself constitute a **pressing social need**.

The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

### **CONCLUSION**

Having considered all of the information contained within this test, the Department has established that, on balance, no lawful basis exists for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.

